

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE**

**MKS INSTRUMENTS INC. and APPLIED  
SCIENCE AND TECHNOLOGY, INC.,**

Plaintiffs,

**v.**

ADVANCED ENERGY INDUSTRIES, INC.,

Defendant.

Civil Action No. 03-469 (JJF)

### FINAL JUDGMENT

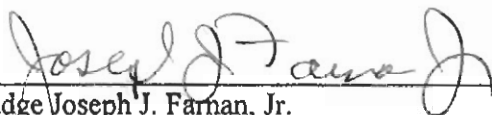
This action came on for trial before the Court and a jury, Honorable Joseph J. Farnan, Jr., District Judge, presiding, and the issues having been tried and the jury having rendered its verdict on July 23, 2004, and answered the Special Verdict form;

AND, on Defendant's withdrawal of all pending motions, including its motion for judgment as a matter of law, and its claim of inequitable conduct, and on Plaintiffs' withdrawal of all pending motions and its request for trial on damages and willful infringement;

NOW THEREFORE, IT IS ORDERED AND ADJUDGED that Judgment on the claim of infringement of U.S. Patent No. 6,150,628 (the '628 patent), U.S. Patent No. 6,388,226 (the '226 patent), and U.S. Patent No. 6,552,296 (the '296 patent) (collectively the "Patents-in-Suit") is entered in favor of Plaintiffs, MKS Instruments, Inc. and Applied Science and Technology, Inc., and against Defendant Advanced Energy Industries, Inc.;

AND IT IS FURTHER ORDERED that Advanced Energy Industries, Inc. its officers, directors, employees, agents, and affiliates, and all other persons who receive actual notice of this order by personal service or otherwise and who are acting in active concert or participation with Advanced Energy Industries, Inc. and its officers, directors, employees, agents, and affiliates, (all, collectively, "Advanced Energy") are enjoined from infringing claims 1, 19, and 42 of the '628 patent, claims 20, 21, and 24 of the '226 patent, and claims 1, 3, 15, and 18 of the '296 patent, until such time as said patents expire, and more particularly (subject to whatever limited rights are given to Advanced Energy by MKS Instruments pursuant to a Settlement Agreement dated October 3, 2005) are hereby enjoined from making, using, selling, offering to sell, or importing into the United States Advanced Energy Industries, Inc.'s Rapid, Rapid FE, Rapid OE, Xstream and any other products related to or derived therefrom.

DATED AT WILMINGTON, DELAWARE, THIS 6 DAY OF October, 2005

  
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Judge Joseph J. Farnan, Jr.  
United States District Judge